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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-first session

SUMMARY RECORD OF THE 535th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 18 May 1999, at 3 p.m.

Chairperson: Mrs. MBOI

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of Barbados (coninued) (CRC/C/3/Add.45; HRI/CORE/1/Add.64/Rev.1; CRC/C/Q/BAR/1; written replies of the Barbadian Government to questions raised in the list of issues (document without a symbol distributed during the meeting, in English only))

1. At the invitation of the Chairperson, the members of the delegation of Barbados took places at the Committee table.

2. The CHAIRPERSON invited the members of the delegation to continue answering questions asked by members of the Committee.

3. Miss MASON (Barbados) explained that the age of 16 was symbolic in her country. On reaching that age, young people were able to marry, enter employment, conclude contracts and drive a vehicle. For that reason, they objected to being considered children by the judicial system, which explained the difficulties encountered in extending the application of the juvenile justice system to young people up to the age of 18. The question, however, still remained on the agenda. In any event, the fact that young people between the ages of 16 and 18 were ostensibly treated as adults did not mean that magistrates failed to take account of their maturity or lack thereof. It was true that persons of that age were to be found in prisons, but that was because no alternative type of accommodation was yet available. Meetings had been held, and would continue to be held, with a view to devising alternative solutions.

4. All accused persons under the age of 18 could receive the assistance of a probation officer, and all minors aged under 16 were entitled to legal aid. In addition, magistrates generally sought the advice of the social services before deciding to place a minor in detention. The minimum age for criminal responsibility had been raised from 7 to 11 by the Penal Reform Act, which had come into force at the end of 1998.

5. She was glad to be able to report that child labour was not a problem in Barbados. In a country of small communities, where everyone knew everyone else and where the trade unions were very strict, no child aged under 16 could find employment. Minors aged between 16 and 18 who did work were generally engaged in apprenticeship schemes or worked outside school hours. The age of consent to marriage was set at 16 for both men and women, but it was nowadays rare today for anyone to get married so early. On the subject of alcohol consumption, she said that it was obviously difficult to control what happened in unlicensed premises or in private homes, but progress had been achieved as a result of the setting-up of the National Association against Substance Abuse and the steps taken to increase police vigilance. Penalties for unlicensed sale of liquor had been increased and there were ongoing campaigns, in particular on television, to publicize the dangers of alcohol.

6. Mr. GRIFFITH (Barbados) said that civil society could make recommendations on policy-making. There were NGOs participating in the work of the Ministry of Health and the Ministry of Social Transformation. State

subsidies were granted to a number of NGOs, and also to the Child Care Board and certain establishments for disabled persons. Those establishments were required to submit reports every year stating how the funds allocated to them had been spent. With regard to the dissemination of the Convention, he explained that the saying "A child should be seen but not heard" was no longer true in Barbados. Efforts to popularize children's rights were being made both by the Child Care Board and by NGOs, the education system and religious groups. A State-supported programme introduced seven years earlier was yielding good results. The Child Care Board was to be merged with the Welfare Department in the interests of greater efficiency. For the duties of the Board, which was playing an increasingly important role, he referred members to the foreword to the initial report (CRC/C/3/Add.45), adding that the Board was also empowered to make recommendations for new laws and to bring charges in child abuse cases where the parents failed to do so.

7. Ms. CRAWFORD (Barbados) said that Child Month was held on a nationwide scale in order to focus attention on the rights of the child. Discussions organized as part of the event were conducted by the children themselves and were open to all. Child participation had made great strides in Barbados over the past few years. Thus, a Youth Parliament had been created. Barbados had exceeded the Initiative 20/20 targets in that more than 20 per cent of the State budget was now allocated to social services. Progress still remained to be made with respect to the collection of disaggregated data, but the Statistics Department was currently working on that problem.

8. Miss MASON (Barbados) said that the implementation of the Convention on the Rights of the Child was now the responsibility of the Ministry of Social Transformation, a new ministry established after the elections of January 1999. The national legislation was, on the whole, in conformity with the Convention, but the National Committee on the implementation of the Convention would use the list of issues as a basis for identifying provisions that needed amendment. For example, protection against pornography on the Internet was an issue not yet covered by legislation and should be brought under control.

9. The CHAIRPERSON invited members of the Committee wishing to do so to address additional questions to the Barbadian delegation.

10. Mrs. EL GUINDI asked whether the necessary steps were being taken to publicize and explain the provisions of the Convention to minors who objected to being regarded as children by the judicial system.

11. Mrs. OUEDRAOGO stressed her awareness of the traditional place of the child in Barbadian society, and asked what the public at large thought of article 12 of the Convention and what steps were being taken to change people's attitudes. To what extent did disabled persons have access to employment, education and public services? And how was their integration in society being facilitated?

12. Mrs. MOKHUANE said she regretted that the report did not include a clear list of the existing legal provisions designed to protect disabled persons and to facilitate their daily life. She also regretted that the report failed to mention the protection of persons with a different sexual orientation, and

requested further information on those two points. Further, she asked whether the problem of school violence existed in Barbados and, if so, how the authorities were addressing the introduction of drugs and weapons into educational establishments.

13. Mr. RABAH asked for information about any court cases involving the implementation of article 3 of the Convention.

14. Mrs. KARP said she had heard that the Barbadian Government was intending to bring back the death penalty at age 16. She hoped the delegation would be able to refute that report She further inquired to what extent magistrates and professionals working with children took account of the views of the child and how the Government planned to deal with the very worrying problem of corporal punishment, which was still authorized in schools, residential child centres and the family.

15. Mr. DOEK asked what criteria were used for granting permanent resident status in Barbados. He found it surprising that children who did not have Barbadian nationality were not entitled, like other children, to education free of charge. While noting that children aged under 16 were theoretically entitled to legal aid, he wondered what the situation was in practice. Was a legal representative appointed automatically and, if so, by what authority? Did the provisions in question apply only in criminal cases or in civil cases as well? Lastly, he inquired whether Barbadian law provided explicitly for the possibility of a child's views being heard in judicial proceedings concerning him/her and, if so, whether that possibility was connected with the child's age or maturity.

16. Mrs. KARP regarded it as discriminatory that children aged 16 to 18 were not entitled, like younger children, to the assistance of a legal representative in judicial proceedings, and requested the delegation to provide explanations in that respect.

17. The CHAIRPERSON said she would suspend the meeting for a few minutes in order to enable the Barbadian delegation to prepare its replies to the additional questions asked by members of the Committee.

The meeting was suspended at 3.55 p.m. and resumed at 4 p.m.

18. Mr. GRIFFITH (Barbados) said that the campaign to inform and mobilize the public so that the voices and views of children might be better heard in Barbadian society was continuing, and the results achieved were already highly satisfactory. There was not yet any specific law to protect disabled persons from all forms of discrimination but the Government had included that concern in its programme of work and all recent buildings were equipped with appropriate facilities. A national organization for the disabled had been established and disabled people were playing a full part in public life at all levels.

19. There was also no legislation specifically designed to protect persons with different sexual preferences, but attitudes in that respect had changed considerably and no child was discriminated against because of his/her sexual

orientation. Lastly, the Barbadian authorities, which considered corporal punishment to be a harmful and counter-productive practice, were encouraging parents to use other methods of education and discipline and to establish an ongoing dialogue with their children from a very early age. Day nurseries and schools were strongly discouraged from having recourse to corporal punishment.

20. Ms. CRAWFORD (Barbados), reverting to the question of disabled persons, said that a special team had been set up within the Government to formulate policies for the disabled and to ensure that the necessary reforms were undertaken. Thus, all disabled persons were invited to make themselves known to the authorities, which were anxious to establish close collaboration with them and to offer them the best possible guidance in their daily activities.

21. The Government was fully aware of the problem of violence among young people. The Ministry of Education and a number of NGOs had drawn up programmes for the peaceful resolution of conflicts fo all schools and pre-school establishments, and children in difficulty were receiving psychological assistance adapted to their needs.

22. Miss MASON (Barbados) said that she wished to dispel any misunderstanding concerning the protection, particularly of a legal nature, available to children aged 16 to 18. From the age of 16, children could make their voice heard in any judicial proceedings concerning them. However, while the best interests of the child was the principle by which judges were guided in all their decisions, the concept was not yet very widespread in Barbadian legislation and there was probably room for reform in that respect. Still, the presence of a lawyer at the child's side was obligatory in all civil or criminal proceedings involving a minor. Contrary to certain allegations, the Barbadian authorities had no intention whatever of restoring the death penalty for persons under 18 years of age.

23. The country's education system was of excellent quality and because schooling was free, some parents living in other islands of the Caribbean were sending their children to school in Barbados. In order to enter primary school a child had, in theory, to be in possession of the "green card", where compulsory vaccinations were also entered, but it was not unusual for children without the card to complete all their schooling in Barbados. Permanent residence status was granted to persons who had not been born in Barbados, were not Barbadian citizens by filiation and had not been naturalized if they had resided in the country for at least seven years and did not have a criminal record.

24. Mrs. KARP said that, in her view, any campaign to publicize the harmful effects of corporal punishment was doomed to failure in the absence of laws expressly prohibiting the practice.

25. With regard to the right of the child to express his/her views and to have them taken into consideration, she asked whether there was a complaints mechanism to which children who believed their rights to have been violated could have recourse and whether the authorities had envisaged establishing the office of "children's ombudsman". On the subject of civil rights, she asked whether children were entitled to set up their own organizations.

26. Mrs. OUEDRAOGO asked what arrangements had been made pursuant to article 7 of the Convention to ensure that no child found himself in a situation of statelessness. Could a child keep Barbadian citizenship even when the parents had lost it? She also inquired what was the status of a child if his/her birth had not been declared by the parents within the 28-day period allowed for this purpose.

27. While noting that the right to freedom of association and peaceful assembly (Convention, art. 15) was guaranteed by the Barbadian Constitution, she pointed out that the right of children in that field was not mentioned specifically. Was the exercise of that right also guaranteed to children and young people? What was the situation with regard to the protection of the child's privacy (ibid., art. 16), which likewise was not specifically provided for by law? In that connection, it was stated in paragraph 67 of the report that, given the present climate of violence in schools, consideration was being given to the possibility of instituting regulations relating to the searching of students and any bags they carried. Had students participated in the debate on that subject? And had the protection of the children's privacy been taken into account in the decisions taken?

28. Referring to the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (Convention, art. 37), she asked how the relevant national laws were being enforced. It was a matter of concern, in that respect, to read in the report that corporal punishment could be administered in schools, to a reasonably necessary extent, as part of the disciplinary procedure. What happened when the reasonable limits - which were difficult to establish - were exceeded by teachers? Lastly, were the Barbadian authorities planning, as part of the reform process, to end the practice of whipping in prisons?

29. Mr. GRIFFITH (Barbados) said that the Government would continue to work energetically towards the abolition of corporal punishment, which, however, was still advocated as an educational method by some of the country's religious authorities.

30. Miss MASON (Barbados) said that the Ministry of Education had instituted measures which enabled children to lodge complaints in the event of conflicts at school, either between students or with teaching staff. Replying to the question about the establishment of a children's ombudsman, she said that such a step would not be economically justified because the general ombudsman was well able to deal with specific problems involving children. Children below the age of 18 were entitled to set up associations, although such associations were not legally recognized. There were no cases of statelessness in Barbados and it was impossible to lose Barbadian citizenship.

31. On the subject of registration of births, she confirmed that any parent failing to abide by the time limit of 28 days set for the purpose was punishable by a fine. However, no case involving a problem of that kind had ever arisen in Barbados. In connection with the protection of children from the harmful effects of new technologies and video games, she said that the Act of 1990 would be amended to take account of the new situation in that field.

A child below the age of 16 was not entitled in principle to acquire certain types of video cassettes, but the law obviously did not empower the police to check what children did at home.

32. Ms. CRAWFORD (Barbados) said that the Education Act would also be amended to ensure the protection of all children at school. Campaigns were under way in order to draw public attention to various forms of violence and to the harmful effects of corporal punishment.

33. Miss MASON (Barbados) said that whipping was indeed authorized as a disciplinary method in prisons, but explained that, outside that specific instance, it was considered to be a form of treatment that should be avoided.

34. The CHAIRPERSON thanked the Barbadian delegation for its replies to the additional questions from members of the Committee concerning the first three sections of the list of issues, and invited members to ask additional questions concerning the sections on civil rights and freedoms and on family environment and alternative care.

35. Mr. DOEK asked for more detailed information on the system for protecting children subjected to ill-treatment, and in particular on the means of submitting complaints available to the children themselves. In that connection, he asked whether the Family Law Court, whose establishment had been envisaged at the time of writing of the report, had been set up. While welcoming the satisfactory operation of the family placement system, he wondered whether the foster families always observed the best interests of the child. Were there cases where foster families accepted a child purely for the purpose of making money? He would also appreciate more information about the Government's system of surveillance of placement of children in foster families.

36. Mrs. KARP asked whether steps were taken to ensure that children were not afraid to lodge a complaint. It might perhaps be desirable to establish the Office of children's ombudsman, even if such a step was not economically justified. She inquired whether Barbados intended to ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, and whether there was an open adoption system enabling children to be in touch with their biological family and their adoptive family at the same time. Lastly, was the Government planning to organize training courses for staff working with children who had been subjected to violence in the family?

37. Mrs. OUEDRAOGO asked what were the respective roles of the parents in bringing up children. In view of the large number of single-parent families, especially those headed by a woman, she wished to know what measures were being taken or planned in order to help such families to bring up their children. She also inquired whether legal steps were taken to protect children of common-law marriages or to guarantee the right of the child to remain in touch with his/her father and mother when they were separated or divorced. She would also appreciate details of the financial support which the Government granted to families in difficulties and, in particular, to children whose father could not afford to pay maintenance to the mother

because of unemployment or problems connected with structural adjustment measures. She asked to be informed of the number of divorces in Barbados and of the specific situation of adolescents between 14 and 18 (emotional and social problems, etc.).

38. Lastly, she asked whether the Government was planning to take, or had taken, steps to prevent informally-adopted children from being subjected to various forms of exploitation and whether such adoption could be invalidated at the request of the child if he/she was not being well treated within the adopted family.

39. Mrs. MOKHUANE said that the parts of the report relating to family environment and alternative care lacked precision. It would be useful to have more information on the situation of teenage mothers and on measures taken by the Government to encourage girls to avoid early motherhood. How could such young women acquire a higher level of education?

40. The CHAIRPERSON invited the Barbadian delegation to answer the additional questions asked by members of the Committee.

41. Mr. GRIFFITH (Barbados) said that the ending of compulsory education at age 16 did not mean that a child's studies had to stop at that age. Any teenage mother wishing to do so could, therefore, continue her secondary education, or even go on to higher education, after the birth of her child. However, the prevention of early pregnancies was the subject of special attention within the framework of cooperation between the public authorities and NGOs. In particular, certain NGOs subsidized by the Government were helping nurses in the public health system who gave family education classes in primary schools. It should be noted that those classes took the place of sex education in an integrated setting, taking into consideration the emotional as well as the physiological development of the child, and were designed to develop the children's sense of responsibility well before the age of puberty. There also existed an adolescent parenting programme, which, in addition to matters of child care as such, tackled such topics as HIV/AIDS, child abuse and the empowerment of women. Young parents were also made aware of the importance of education and received assistance in seeking jobs. Statistics showing a steady decrease in the number of children born to teenage mothers over the past 20 years testified to the success of the measures taken in the field of family education.

42. With regard to the increase in the number of single-parent families and the erosion of the expanded family, he remarked that those were trends which might be deplored by some but society must adapt itself to them. In addition to the 14 day-care centres administered by the Child-Care Board, 67 privately-run centres had been opened for the children of working parents. The distribution of roles within the family also formed the subject of an awareness-raising campaign targeted at men. The broadcasting of a very popular televised series entitled "Men talk" and the setting-up of a National Men's Forum within the Ministry of Social Transformation were among the steps taken to change attitudes in that area. Lastly, the Ministry's welfare services not only provided families in difficulties with financial aid, but also operated training, placement and vocational guidance programmes.

43. With regard to the social status of children who had spent many years in residential centres, he said that the Child-Care Board was doing its best to ensure their gradual integration, particularly through vocational training courses in the private sector. If the children could not be placed with relatives or a foster family, they were housed in apartments rented by the Board until they had found work and become self-supporting. On reaching their majority, children who had been placed in care continued to be covered by a follow-up system.

44. Ms. CRAWFORD (Barbados) said that, since 1996, only four Barbadian children had been adopted by foreign parents. Since they had remained in the Caribbean region, the follow-up of their situation raised no particular difficulties. As for placement in a foster family, the monitoring method employed was the following: a visit within the month following the placement, followed by at least one monthly visit during the first six months and thereafter a visit every six weeks or two months depending on whether the child was aged under or over 5. For all children placed in a foster family for a period greater than two years, visits took place at the rate of one every three months. On receiving a complaint from or concerning a child, the child protection officer immediately went to the foster family, unless he or she considered that to be unnecessary. The Child-Care Board tried to involve other persons in monitoring the situation of children in care in order to prevent any possible collusion between the placement officer and the foster family. Any diversion of the allowance to the foster family was unlikely in view of the twofold control exercised by child welfare officers and by the community. Two subcommittees of the Board, namely, the Children's Committee and the Adoption and Placement Committee, met once a month to consider the problems experienced by children. Any complaint addressed to the Board gave rise to a preliminary inquiry. If the alleged facts were confirmed, the Board could ask the court to issue a "place of safety" order or to make the child a ward of court. As a result of the public education programme on child abuse, the representatives of all professions concerned, particularly police officers, social workers and nurses, were showing a genuine willingness to contribute to efforts to combat that problem. Children themselves were invited to report cases of ill-treatment and did not hesitate to contact the Board. In giving assistance to child victims of abuse, the Board employed the services of a psychologist, a child psychiatrist and social workers trained, in particular, in play therapy techniques. In the event of legal proceedings, the national law normally provided for the holding of a confrontation between the accused and the victim, but everything was done to minimize the trauma to the child. Since the child was part of a family, all possibilities of family rehabilitation had to be taken into consideration. In that context, she thought that the suggestion for the establishment of a children's desk in the ombudsman's office deserved consideration; the proposal would be duly brought to the knowledge of her country's authorities.

45. Turning to the problems experienced by women who could not recover the maintenance money due to them, she said that, as well as providing such women with financial help, the Welfare Department took steps to give them appropriate assistance in kind (free uniforms and textbooks, medical care or transport) so that the children of such families might not be disadvantaged as compared with others.

46. On the question of adoption, she stressed that her Government did not encourage the informal system referred to in paragraph 105 of the report; the national law in that sphere was sufficiently clear. Children taken in by friends or family members enjoyed the same rights as adopted children.

47. Miss MASON (Barbados), replying to questions asked about the status of the Convention, said that in Barbados the ratification of an international instrument did not automatically make that instrument operational in domestic law; enabling legislation to that effect must be voted by Parliament. That did not, however, preclude judicial officers from basing their decisions on the articles of the Convention. Barbados did not have a family court; matters relating to divorce, custody, etc. came within the purview of the Family Division of the High Court, and cases involving minors were dealt with by the Juvenile Court.

48. As to children born out of wedlock, the Status of Children Reform Act of 1979 granted them exactly the same rights as other children. Lastly, in the event of non-compliance with visiting rights by the custodial parent, the injured parent could apply to the court in order to secure exercise of that right.

49. The CHAIRPERSON thanked the Barbadian delegation for its replies. The Committee would resume consideration of its initial report at the next meeting.

The meeting rose at 6.10 p.m.